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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,347	10/30/2003	Andrew J. Poss	H0004479	7498

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EXAMINER

THORNTON, YVETTE C

ART UNIT	PAPER NUMBER
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1752

DATE MAILED: 03/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/697,347

Applicant(s)

POSS ET AL.

Examiner

Yvette C. Thornton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 30 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,7,8,10,11 and 15-26 is/are rejected.
- 7) ☐ Claim(s) 3-6,9 and 12-14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>06142004, 01022004</u> . | 6) <input type="checkbox"/> Other: _____ |

re

DETAILED ACTION

This is written in reference to application number 10/697347 filed on October 30, 2003 and published as US 2004/0091813 A1 on May 13, 2004.

Priority

1. Applicant's claim for domestic priority under 35 U.S.C. 119(e) is acknowledged.

Information Disclosure Statement

2. The Information Disclosure Statements filed on June 14, 2003 and January 2, 2004 have been entered and fully considered.

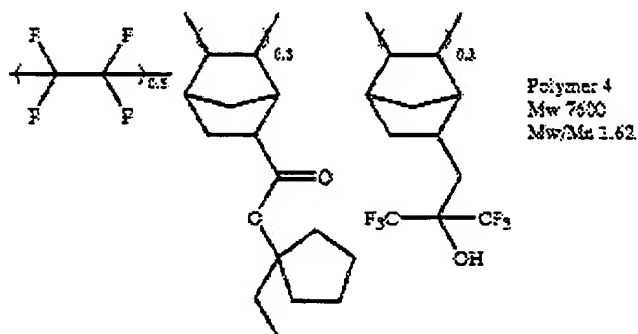
Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-2, 7-8, 10-11, 15-20 and 22-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Hatakeyama et al. (US 6,855,477 B2). Hatakeyama exemplifies polymer 4 having the structure:

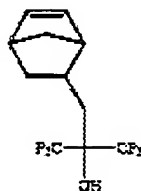


(c. 48, l. 35-40). The last repeating unit of the said polymer meets the limitations of the instant claims wherein W, Y and Z are all hydrogen; and X is (A)_n-R where A is CH₂, n=1 and R is C(CF₃)₂OH {claimed formulae (b), cl. 7-8, 10-11}. Polymer 4 is

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admixed with a photoacid generator, a base compound and a solvent to form a photoresist composition (see Table 1 c. 44). Hatakeyama further teaches that the taught composition may comprise well-known dissolution inhibitors (c. 40, l. 26-c. 41, l. 37).

5. Claims 1-2, 7-8, 10-11, 15, 17, 19-20 and 22-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Hatakeyama et al. (US 6,864,037 B2). Synthesis example 1 exemplifies a polymer



comprising a recurring monomer having the structure: (c. 40, l. 60-c. 41, l. 31). The said monomer meets the limitations of the instant claims wherein W, Y and Z are all hydrogen; and X is $(A)_n$ -R where A is CH_2 , $n=1$ and R is $C(CF_3)_2OH$ {claimed formulae (b), cl. 7-8, 10-11}. The exemplified polymer is admixed with a photoacid generator, a base compound, a dissolution inhibitor and a solvent to form a photoresist composition (c. 44, l. 39-c.47, l. 8; See Table 2).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hatakeyama et al. (US 6,855,477 B2 or 6,864,037 B2) as applied to claims 1-2, 7-8, 10-11, 15, 17, 19-20 and 22-26 above, and further in view of Khojasteh et al. (US 6,770,419 B2). Hatakeyama teaches that the taught resist compositions may comprise optional ingredients in conventional amounts as long as they do not compromise the objects of the invention (See '477 c. 41, l. 38-43 and '419 c. 39, l. 48-53). It is the examiner's position that sensitizers are well known and conventional in the art as an optional additive.

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This position is supported by the teachings of Khojasteh et al., which discloses “if necessary, the compositions of the invention can be adjusted to respond to the desired imaging radiation by the addition of an appropriate dye or sensitizer to the composition” (c. 6, l. 13-26). One of ordinary skill in the art would have been motivated by what is well known and conventional, as disclosed by Khojasteh, to incorporate a sensitizer into the taught composition of Hatakeyama in order to adjust the response of the said composition.

Allowable Subject Matter

8. Claims 3-6, 9 and 12-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. The following is a statement of reasons for the indication of allowable subject matter: review of the prior art failed to teach and/or suggest the claimed formula of instant claims 3-6, 9 and 12-14 as set forth in the instant claims.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvette C. Thornton whose telephone number is 571-272-1336. The examiner can normally be reached on Monday-Thursday 8-6:30.

11. If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Cynthia H. Kelly can be reached on 571-272-1526. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Yvette Clarke Thornton
Primary Examiner
Art Unit 1752

yct
March 9, 2005